

<b>TITLE: USE OF MECHANICAL RESTRAINTS ON A PREGNANT PRISONER OR PREGNANT RESIDENT</b>		<b>PAGE <u>1</u> OF <u>4</u></b>
<b>POLICY NUMBER: 18.19.1 and 13.19.1</b>		
<b>CHAPTER 18 (AF) and 13 (JF): HEALTH CARE SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> October 5, 2016	<b>LATEST REVISION:</b> June 6, 2017	<b>CHECK ONLY IF</b> <b>APA [ X ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Sections [3101](#), [3102](#), [3103](#) and [3104](#).

**II. APPLICABILITY**

All Department Facilities that house female prisoners or female residents

**III. POLICY**

It is the policy of the Department of Corrections not to use restraints on a prisoner or resident known to be pregnant, except in an extraordinary circumstance.

**IV. CONTENTS**

- Procedure A: Use of Mechanical Restraints, Notice to Female Prisoners or Residents
- Procedure B: Use of Mechanical Restraints during Movement, Transport, or other Situations, General
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- Procedure D: Documentation on Use of Restraints

**V. ATTACHMENTS**

None

## VI. PROCEDURES

### **Procedure A: Use of Mechanical Restraints, Notice to Female Prisoners or Residents**

1. The facility Chief Administrative Officer, or designee, shall ensure that a copy of this policy is included in the handbook provided to female prisoners or female residents.
2. The facility Chief Administrative Officer, or designee, of a facility housing females shall also ensure that a female prisoner or female resident is verbally informed of the inclusion of this policy in the handbook during her initial orientation to the facility.

### **Procedure B: Use of Mechanical Restraints during Movement, Transport, or other Situations, General**

1. Mechanical restraints shall not be used on a prisoner or resident known to be pregnant, unless the facility Chief Administrative Officer or designee makes a determination that the pregnant prisoner or pregnant resident is a substantial flight risk or there is another extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant prisoner or pregnant resident, other prisoners or residents, the staff of the Department facility, the staff of a hospital, or the public, if applicable.
2. Whenever possible, the determination that there is an extraordinary circumstance requiring the use of mechanical restraints on a pregnant prisoner or pregnant resident shall be made by the Shift Supervisor or higher ranking facility staff prior to the initiation of the movement, transport, or other situation, but may also be made by a security supervisor during the movement, transport, or other situation, if the extraordinary circumstance arises at that time.
3. If the prisoner or resident is to be transported to a hospital, the Shift Supervisor and appropriate facility health care staff shall contact appropriate hospital security and health care staff to plan for any foreseen security circumstances as much in advance of the prisoner's or resident's arrival as reasonably possible.
4. If, once at the hospital, a doctor, nurse or other health professional treating the prisoner or resident requests that restraints not be used, the security staff accompanying the prisoner or resident shall immediately remove all restraints.
5. If the prisoner or resident is to be transported to a hospital, court or anywhere else outside the facility, the Chief Administrative Officer, or designee, shall determine whether a security supervisor needs to be present during the transport.
6. If a security supervisor is present, that supervisor may make the determination that there is an extraordinary circumstance requiring the use of mechanical restraints if such a circumstance arises during the transport. If a security

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supervisor is not present and such a circumstance arises during the transport, the transporting security staff shall contact a security supervisor at the facility for authorization to use mechanical restraints.

7. If mechanical restraints are used on a pregnant prisoner or pregnant resident, the security staff shall apply the least restrictive type of restraints in the least restrictive manner necessary. Leg and waist restraints may not be used at any time.

**Procedure C: Use of Mechanical Restraints during Labor, Delivery, and Postpartum Recovery**

1. In addition to the requirements of Procedure B., when a prisoner or resident is admitted to a hospital for labor or childbirth, the security staff may not be present in the room during labor or childbirth unless specifically requested by hospital health care personnel. If a security staff's presence is requested, the security staff shall be female if practicable.
2. Mechanical restraints may not be used on a prisoner or resident during labor or childbirth.
3. Once the delivery or the pregnancy otherwise ends, all post-delivery medical procedures, and post-partum recovery have been completed, the prisoner or resident shall be restrained consistent with Department policies applicable to prisoners or residents who are not pregnant.

**Procedure D: Documentation on Use of Restraints**

1. If mechanical restraints are used on a prisoner or resident known to be pregnant, in addition to any other documentation required by Department policy, the staff who authorized the use of the restraints shall document in a separate report the extraordinary circumstance that required the use of restraints and the type of restraints used and shall submit this report to the facility Chief Administrative Officer.
2. These separate reports shall be maintained by the facility Chief Administrative Officer for five (5) years and shall be made available for public inspection upon request, except that individually identifying information of any prisoner or resident may not be made public without the prior written consent of the prisoner or resident.
3. After the passage of five (5) years, these separate reports shall be destroyed.

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## VII. PROFESSIONAL STANDARDS

### ACA

#### ACI

4190-1

5-3A-4190-1

Added August 2008. Written policy, procedure, and practice, in general, prohibit the use of restraints on female offenders during active labor and the delivery of a child. Any deviation from the prohibition requires approval by and guidance on methodology from the medical authority and is based on documented serious security risks. The medical authority provides guidance on the use of restraints on pregnant offenders prior to active labor and delivery.

4-JCF-2A-18-1

Added August 2008. Written policy, procedure, and practice, in general, prohibit the use of restraints on female residents during active labor and the delivery of the child. Any deviation from the prohibition requires approval by, and guidance on, methodology from the medical authority and is based on documented serious security risks. The medical authority provides guidance on the use of restraints on pregnant offenders prior to active labor and delivery.

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